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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,326	08/03/2006	Paul R. Henion	SCH-00084-US2	5749

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EXAMINER
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AMARI, ALESSANDRO V

ART UNIT	PAPER NUMBER
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2872

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04/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/588,326		HENION, PAUL R.	
	<b>Examiner</b>		<b>Art Unit</b>	
	ALESSANDRO AMARI		2872	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-20 is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6 and 8-12 is/are rejected.
- 7) ☒ Claim(s) 2,4 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/27/2006</u> .  | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 9 is objected to because of the following informalities:

Regarding claim 9, the phrase, "the spherical surface" has no prior mention in the preceding claim 1.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 5, 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Perry et al US 5,363,246.

In regard to claim 1, Perry et al teaches (see Figures 2, 4-6) a mirror assembly comprising a case frame (19) defining a concave surface (45), said case frame including a retention post (47) having an elongated tip as shown in Figures 4 and 5; a backing plate (21) having a support surface (65) and a dish portion (63) having a center opening (67), said backing plate being positioned against the case frame so that the dish portion cooperates with the concave surface and the post extends through the center opening in the dish portion as shown in Figures 4 and 5; a retention ring (27), said retention ring including a center slot (87A) and a locking portion (79, 87), said

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retention post extending through the center slot so that the tip of the post is engaged with the locking portion as described in column 4, lines 19-35; and a mirror glass (13) mounted to the support surface of the backing plate wherein the backing plate and the mirror glass can be manually positioned by pivoting the dish portion on the concave surface as described in column 2, lines 46-68 and column 3, lines 1-12 and 32-68.

Regarding claim 3, Perry et al teaches (see Figures 4-6) that the retention ring further includes at least one spring element (85), said at least one spring element applying pressure against the dish portion when the retention ring is locked to the backing plate as described in column 4, lines 19-35.

Regarding claim 5, Perry et al teaches (see Figures 4-6) that the retention ring further includes an extended neck portion as shown in Figure 6 said retention post extending through the neck portion as shown in Figures 4 and 5.

Regarding claim 8, Perry et al teaches that the post is a T-shaped post as can be seen in Figures 2, 4 and 5.

Regarding claim 9, Perry et al teaches that the spherical surface of the case frame is defined by members extending from the case frame as shown in Figures 4 and 5 as understood by the current claim recitation.

Regarding claim 10, Perry et al teaches (see Figure 6) that the retention ring includes a plurality of openings (83) for accepting a tool to rotate the ring within the dish portion.

Regarding claim 11, Perry et al teaches that the case frame is an internal support structure of a side mirror of a vehicle as described in column 1, lines 54-64 and column

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2, lines 46-67.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perry et al US 5,363,246 in view of Assinder et al US 6,609,800.

Regarding claim 6, Perry et al teaches the invention as set forth above and teaches that the retention ring is a single member but does not teach that the retention ring is a plastic member.

Regarding claim 6, Assinder et al teaches the use of plastic members as described in column 4, lines 40-41.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture the retention ring of Perry et al so that it is made of plastic as taught by Assinder et al in order to prevent corrosion of the ring.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perry et al US 5,363,246 in view of Henion et al US 6,511,192.

Regarding claim 12, Perry et al teaches the invention as set forth above but does not teach that the mirror assembly is a spotter mirror assembly associated with a side mirror.

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Regarding claim 12, Henion et al teaches (see Figure 2) a side view mirror which has a spotter mirror assembly (36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the mirror assembly of Perry et al be a spotter mirror assembly associated with a side mirror as taught by Henion et al in order to provide a wider angle of view to the user to increase safety of the vehicle.

***Allowable Subject Matter***

7. Claims 13-20 are allowed.

8. Claims 2, 4 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claim 2 is allowable for at least the reason, “portion includes opposing cam ramps and a detente that accepts the elongated tip, wherein the retention ring is secured to the mirror assembly by inserting the retention post through the slot, rotating the retention ring so that the tip rides along the ramps until the tip is positioned in the detente” as set forth in the claimed combination.

Claim 4 is allowable for at least the reason, “wherein the at least one spring, element is four symmetrically disposed leaf spring elements extending from a rim of the retention ring” as set forth in the claimed combination.

Claim 7 is allowable for at least the reason, “wherein the case frame includes at least one spacing member having a slot and the backing plate includes an opening and

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an alignment arm extending across the opening, and wherein the alignment arm is positioned within the slot of the spacing member” as set forth in the claimed combination.

Claim 13 is allowable for at least the reason, “a single piece plastic retention ring said retention ring including a center slot, a plurality of symmetrically disposed spring elements, a neck portion and a cam locking system including opposing cam ramps and a detente that accepts the elongated tip, said retention post extending through the neck portion and the center slot so that the tip of the post is engaged with the locking system and the spring elements apply pressure against the dish portion, wherein the retention ring is secured to the mirror assembly by inserting the retention post through the center slot , rotating the retention ring so that the tip rides along the ramps until the tip is locked in the detente” as set forth in the claimed combination. Claims 14 and 15 are allowable due to their dependence on claim 13.

Claim 16 is allowable for at least the reason, “rotating the retention ring so that the tip of the post engages the locking portion and the at least one spring element applies pressure against the dish portion; mounting a mirror glass to the support surface of the backing plate; adjusting the position of the backing plate and the mirror glass by pivoting the dish portion on the concave surface” as set forth in the claimed combination. Claims 17-20 are allowable due to their dependence on claim 16.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALESSANDRO AMARI whose telephone number is

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(571)272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on (571) 272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ava  
23 April 2008

/Alessandro Amari/  
Primary Examiner, Art Unit 2872